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October 26, 2009

BY FEDERAL EXPRESS

The Honorable James C. Dever III
Terry Sanford Federal Building and Courthouse
310 New Bern Avenue
Raleigh, NC 27601

Re: Mathis, et al. v. The GEO Group, Inc., et al., 2:08-CT-21-D

Dear Judge Dever:

During oral argument on the defendants' motions to dismiss earlier this month, the Court asked why the ruling in Holly v. Scott, 434 F.3d 287 (4th Cir. 2006) would not extend to a claim for injunctive relief, pointing out that Mr. Holly had sought injunctive relief in addition to damages in that case. We suggested that Mr. Holly's claim for injunctive relief might have been mooted by his release from Rivers Correctional Institution before his case was decided by the United States Court of Appeals for the Fourth Circuit. Counsel for GEO advised that he believed that Mr. Holly was still incarcerated at the time that Holly was decided in January 2006.

Our subsequent research into the record of both of Mr. Holly's cases confirms that Mr. Holly was released on August 9, 2005. See Holly v. Christensen, 2008 WL 956722 at *3 (E.D.N.C. Apr. 8, 2008). The Federal Bureau of Prisons online Inmate Locator also shows August 9, 2005 as Mr. Holly's release date. See <http://www.bop.gov/iloc2/LocateInmate.jsp>; see also attached printout from a search conducted on October 13, 2009. The Fourth Circuit held argument in Mr. Holly's case on September 19, 2005 and decided it on January 12, 2006. Holly v. Scott, 434 F.3d 287 (caption). The sources identified above thus appear to confirm that Mr. Holly had been released more than five months before the Fourth Circuit issued its decision in Holly.

We shared the information above with counsel for the Federal Defendants and counsel for GEO Group, Inc., and asked them to inform us if they had any information to the contrary. Counsel for the Federal Defendants advised us that the government might oppose a

COVINGTON & BURLING LLP

The Honorable James C. Dever III

October 26, 2009

Page 2

supplemental filing by plaintiffs on this point, but did not provide any evidence to the contrary. Counsel for GEO did not respond to our inquiry.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald J. Ridings Jr.', with a large, stylized flourish at the end.

Donald J. Ridings Jr.
Counsel for Plaintiffs

Enclosure

cc: Robert Numbers, Esq.
Kathy Wyer, Esq.

Served via ECF

Inmate Locator - Locate Federal inmates from 1982 to present

Name	Register #	Age-Race-Sex	Release Date <small>Actual or Projected</small>	Location
1. RICKY HOLLY	31281-007	43-White-M	08-09-2005	RELEASED

Results 1 - 1 of 1

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